HON'BLE SRI G.S. SINGHVI,

CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE BILAL NAZKI.

WAMP.NO. 3710 OF 2005

AND

WA NO. 2417 OF 2005.

DATED: 28.11.2005.

BETWEEN:

Smt. Kona Simhachalam,
W/o late Bangaraiah,
R/o Konamasivanipalem (v)l,
Devada Post,
Kothavalasa Mandal,
Vizianagaram District.

….. PETITIONER/
APPELLANT.

AND

1. K.A. Krishnamacharyulu,
S/o late Govindacharyulu,
R/o Devada Village, Kothavalasa Mandal,
Vizianagaram District,
and others.

….. RESPONDENTS.

HCJ & BNJ

-

W.A.M.P.NO.3710 OF 2005 and

WA.NO. 2417 OF 2005.

-

WAMP.NO.3710 OF 2005:

This is an application for condonation of 194 days delay in filing of this appeal, which is directed against order dated 31.01.2005 passed by learned single Judge in W.P.No.1167 of 2005.

Notice of this application has been served on the non-applicants, but no

counter-affidavit has been filed. Not only this, learned counsel for the non-applicants fairly states that he does not have any objection if delay in filing the appeal is condoned.

In view of the above, the application is allowed and the delay in filing the appeal is condoned. The appeal be numbered accordingly.

WA(SR) NO. 106037 OF 2005:

With the consent of the counsel for the parties, we have taken up the appeal on board and heard their arguments on merits.

This appeal is directed against order dated 31.01.2005 passed by the learned Single Judge in W.P.No.1167 of 2005, operative portion of which reads as under:

> " Accordingly, the writ petition is disposed of granting liberty to the petitioner to make an appropriate application before the third respondent together with all relevant material, within a period of two weeks from today, in which event the 3rd respondent shall consider the same after affording a reasonable opportunity to both the petitioners and the 4th respondent and pass appropriate orders in accordance with law as expeditiously as possible, preferably within a period of four weeks thereafter. Till such time, status quo obtaining as on today as to the nature and possession of the land in question shall be maintained. No costs".

During the course of hearing, the learned counsel for contesting respondents pointed out that in furtherance of the direction given by the learned Single Judge, the competent authority, after holding enquiry and hearing the parties, finally decided the dispute relating to the property situated in S.No.82 of Tamarapalli village, L. Kota Mandal, Vizianagaram District and the order passed by it is under challenge in appeal before Joint Collector, Vizianagaram. He submitted that in view of this development, the writ appeal may be disposed of as infructuous.

Learned counsel for the appellant does not dispute the factual statement made by counsel for the contesting respondents and submits that the Court may direct the Joint Collector, Vizianagaram, to decide the appeal without being influenced by the order of the learned single Judge.

In view of the statement made by learned counsel for the parties, this appeal is disposed of with direction that the appeal field by the appellant against the order passed by the competent authority shall be heard and disposed of by the Joint Collector, Vizianagaram, without being influenced by the order of the learned single Judge. No costs.

G.S. SINGHVI, HCJ

BILAL NAZKI, J

28th November, 2005

Vrk/vtv.

HON'BLE SRI G.S. SINGHVI,

CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE BILAL NAZKI.

-

-

-

WAMP.NO. 3710 OF 2005

AND

WA NO. 2417 OF 2005.

(Judgment of the Bench delivered by

Hon'ble The Chief Justice)

Dt: 28.11.2005.